

UNITED STATES DISTRICT COURT  
for the  
Northern District of Alabama

United States of America )  
v. )  
Jose Faustino Climaco ) Case No.  
 ) MAG No. 25-290  
 )  
 )  
 )

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 17, 2025 in the county of Jefferson in the Northern District of Alabama, the defendant(s) violated:

### *Code Section*

### *Offense Description*

8 U.S.C. 1326 (a) Unlawful Re-Entry of Removed Alien

This criminal complaint is based on these facts:

Continued on the attached sheet.

# BENJAMIN E ROGERS

Digitally signed by BENJAMIN E  
ROGERS  
Date: 2025.04.23 13:25:05 -05'00'

*Complainant's signature*

Benjamin E. Rogers, Deportation Officer

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 04/23/2025

by M. Borden, Magist

City and state: Birmingham, Alabama

Hon. Gray M. Borden, Magistrate Judge

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Benjamin Rogers, being duly first sworn, depose and say:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement (“ICE”)/Enforcement Removal Operations (ERO) within the United States Department of Homeland Security (“DHS”). I have served as a Deportation Officer with ICE/ERO since 2009. As part of my duties as a Deportation Officer, I am charged with conducting investigations related to violations of the Immigration and Nationality Act, specifically foreign-born nationals that have been deported from the United States and subsequently re-entered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations – Birmingham, Alabama, sub office in the New Orleans, Louisiana, area of responsibility, and part of my duties include investigating violations of Title 8 of the United States Code (“U.S.C.”), including illegal reentry and related offenses.

2. This affidavit is made in support of a criminal complaint against Jose FAUSTINO-Climaco and sets forth the probable cause that Jose FAUSTINO-Climaco, a native and citizen of Mexico, illegally re-entered the United States after deportation, in violation of Title 8, United States Code, Section 1326(a).

3. This affidavit is based upon my personal knowledge, experience, and investigation, as well as information relayed to me by other federal and

state law enforcement officers in the course of their official duties. Because this affidavit is submitted for the limited purpose of supporting a criminal complaint and arrest warrant, I have not included all information known by me or other investigators. I have set forth only those facts I believe are essential to establish the necessary foundation for the complaint and warrant.

4. On April 17, 2025, agents with ICE/ERO and the FBI were conducting surveillance outside an address in Center Point, Alabama looking for a target of an open investigation. A male subject was seen leaving the residence who matched the description of the target of the investigation. The vehicle was stopped nearby by ICE/ERO. The driver of the vehicle was not the target of the investigation but identified on scene by a Mexican ID card as Jose FAUSTINO Climaco. ICE/ERO ran the information on the Mexican ID card through various criminal and immigration databases. These preliminary checks revealed that FAUSTINO had been removed from the United States previously. At this time, FAUSTINO was detained by ICE/ERO and transported back to the Birmingham ERO office.

5. After arriving at the Birmingham ICE/ERO office, FAUSTINO's fingerprints were taken and ran through immigration and criminal databases. These records confirmed that FAUSTINO had been removed from the United States to Mexico previously.

6. Immigration Form I-296, Departure Verification, is the standard form utilized by the Department of Homeland Security (DHS) to document the physical removal of an unlawfully present alien from the United States to his/her native country. Here, the defendant's most recent I-296 showed that he was removed on March 18, 2014, and March 9, 2014.

7. Further, immigration records related to Jose FAUSTINO Climaco were reviewed by DHS personnel, and those records did not contain any documentation showing that he/she has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, for admission to the United States following her removal on or about March 18, 2014, and March 9, 2014. There is also no evidence that an application was made or approved. Had the defendant made such an application, that fact would be reflected in his immigration records. Lastly, I have no reason to believe that Jose FAUSTINO Climaco was involuntarily found here in the Northern District of Alabama when he was arrested on or about April 17, 2025.

8. Based on the above facts, your affiant believes that there is probable cause to establish that Jose FRANCISCO Climaco has violated 8 U.S.C. § 1326(a).

**BENJAMIN E ROGERS**

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BENJAMIN E ROGERS  
Date: 2025.04.23 13:26:09  
-05'00'

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Benjamin Rogers, Affiant  
U.S. Department of Homeland Security

Sworn to telephonically and subscribed electronically this the 23rd day of April 2025.

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The Honorable Gray M. Borden  
United States Magistrate Judge  
Northern District of Alabama